elaborate and voluminous judgments, the Judges arriving at the same conclusions though by different roads.

The points decided may be summed up as follows:—

The Provincial Legislature had by a Local Act, 1881, chapter 1, sections 28, 32, declared that the sittings of the Supreme Court for reviewing *nisi prius* decisions, motions for new trials, etc., should be held only once in each year, and on such day as should be fixed by rules of Court, and that the Lieutenant-Governor-in-Council should have power to make rules of Court.

Held, by Sir Matt. Baillie Begbie, C. J., and Crease and Gray, Justices, (McCreight, J., being absent,)

1. That the appointment of the days on which the Court should sit for such purposes is a matter of procedure, and of purely judicial cognizance, and is not within the power of the Local Legislature either to fix by positive enactment, or to hand over to be fixed by any other person or persons, but belongs to the Court itself; and that the above sections are in that respect unconstitutional and void.

2. The power conferred by section 92 of the British North America Act on Provincial Legislatures is a legislative power, enabling them to exercise legislative functions merely, and does not enable them to interfere with functions essentially belonging to the Judiciary or to the Executive.

3. The Judges of the Supreme Court of British Columbia are officers of Canada, and by sections 129, 130, their power and jurisdiction remain as before Confederation, subject only to the constitutional action of the Parliament of Canada under the British North America Act, 1867.

4. The authority given by section 92, subsection 14, to the Local Legislature to make laws in relation to civil procedure, is confined to civil procedure in the Courts described in that sub-section, and the Supreme Court of British Columbia does not come within the meaning of that sub section. The power to make laws in relation to criminal procedure in those Courts, *i. e.*, the Provincial Courts described in that sub-section, and as to all procedure in all other Courts is, either by the general or the particular words of section 91, reserved to the Parliament of Canada.

5. The Local Legislature has no power to diminish or repeal the powers, authorities or jurisdiction of the Supreme Court, nor to allot any jurisdiction to any particular Judge of the Supreme Court, nor to alter or add to any of the existing terms and conditions of the tenure of office by the Judges, whether as to residence or otherwise.

The Judges have, since giving the judgment above noted, under the B. C. Act of 1869, sect. 3, and their Common Law rights, made rules for practice and procedure the same as the Supreme Court Rules, 1880, which are working well and satisfactory. The judges, have also issued a general order establishing the same Judicature Rules, (the Supreme Court Rules, 1880), which they had already made their own, and as to these see *post* p. 168.

The local bar, it is said, concur in the result and uphold the above judgment; and legal matters in the Supreme Court are going along more smoothly and harmoniously than they have done for some time. The Judicature practice is resumed. A case can be tried to-day at Nisi Prius, and if the judges be disengaged, reviewed and corrected the next day.

Another set of constitutional questions have cropped up in B. C. in another case—that of *Reg.* v. *Vieux Violard*, and raised also in the *Thrasher Case* by Mr. Theodore Davie. The Province passed an Act called the "Judicial Districts Act, 1879," for districting their Supreme Court Judges and compelling them, or such of them as it chooses, to reside in remote districts as Cariboo or Kamloops, and also in New Westminster. Their Supreme Court Commissions, some signed by the